

(b) Purpose

The purpose of the program shall be to remove, resolve, or mitigate significant regulatory nontariff barriers to the export of United States agricultural commodities (as defined in section 5602 of this title) into foreign markets through public and private sector projects funded by grants that address—

(1) quick response intervention regarding nontariff barriers to United States exports involving—

- (A) United States agricultural commodities produced through biotechnology;
- (B) food safety;
- (C) disease; or
- (D) other sanitary or phytosanitary concerns; or

(2) developing protocols as part of bilateral negotiations with other countries on issues such as animal health, grain quality, and genetically modified commodities.

(c) Eligible programs

Depending on need, as determined by the Secretary, activities authorized under this section may be carried out through—

- (1) this section;
- (2) the emerging markets program under section 1542;¹ or
- (3) the Cochran Fellowship Program under section 3293 of this title.

(d) Funding

There is authorized to be appropriated \$6,000,000 for each of fiscal years 2002 through 2007.

(Pub. L. 101-624, title XV, §1543A, as added Pub. L. 107-171, title III, §3204, May 13, 2002, 116 Stat. 300.)

REFERENCES IN TEXT

Section 1542, referred to in subsec. (c)(2), is section 1542 of title XV of Pub. L. 101-624, which is set out as a note under section 5622 of this title.

CODIFICATION

Section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Agricultural Trade Act of 1978 which comprises this chapter.

§ 5680. Technical assistance for specialty crops**(a) Establishment**

The Secretary of Agriculture shall establish an export assistance program (referred to in this section as the “program”) to address unique barriers that prohibit or threaten the export of United States specialty crops.

(b) Purpose

The program shall provide direct assistance through public and private sector projects and technical assistance to remove, resolve, or mitigate sanitary and phytosanitary and related barriers to trade.

(c) Priority

The program shall address time sensitive and strategic market access projects based on—

- (1) trade effect on market retention, market access, and market expansion; and
- (2) trade impact.

(d) Annual report

Not later than 180 days after June 18, 2008, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of each factor that affects the export of specialty crops, including each factor relating to any—

- (1) significant sanitary or phytosanitary issue; or
- (2) trade barrier.

(e) Funding**(1) Commodity Credit Corporation**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(2) Funding amounts

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

- (A) \$4,000,000 for fiscal year 2008;
- (B) \$7,000,000 for fiscal year 2009;
- (C) \$8,000,000 for fiscal year 2010;
- (D) \$9,000,000 for fiscal year 2011; and
- (E) \$9,000,000 for fiscal year 2012.

(Pub. L. 107-171, title III, §3205, May 13, 2002, 116 Stat. 301; Pub. L. 110-246, title III, §3203, June 18, 2008, 122 Stat. 1837.)

CODIFICATION

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Agricultural Trade Act of 1978 which comprises this chapter.

AMENDMENTS

2008—Subsecs. (d), (e). Pub. L. 110-246 added subsecs. (d) and (e) and struck out former subsec. (d). Prior to amendment, text read as follows: “For each of fiscal years 2002 through 2007, the Secretary shall make available \$2,000,000 of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

SUBCHAPTER V—FOREIGN AGRICULTURAL SERVICE

§ 5691. Repealed. Pub. L. 103-354, title II, § 225(e)(1), Oct. 13, 1994, 108 Stat. 3214

Section, Pub. L. 95-501, title V, § 501, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3686, established position of Under Secretary of Agriculture for International Affairs and Commodity Programs.

A prior section 501 of Pub. L. 95-501 enacted section 2211a of this title, amended section 5314 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 2211a of this title, prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

¹ See References in Text note below.

§ 5692. Administrator of Foreign Agricultural Service

(a) Establishment

There is hereby established in the Department of Agriculture the position of Administrator of the Foreign Agricultural Service.

(b) Duties

The Administrator of the Foreign Agricultural Service is authorized to exercise such functions and perform such duties related to foreign agriculture, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.

(c) Use of Service

In carrying out the duties under this section, the Administrator shall oversee the operations of the Foreign Agricultural Service, the General Sales Manager, and the Agricultural Attaché Service.

(Pub. L. 95-501, title V, § 502, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3686.)

§ 5693. Duties of Foreign Agricultural Service

The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

- (1) acquiring information pertaining to agricultural trade;
- (2) carrying out market promotion and development activities;
- (3) providing agricultural technical assistance and training; and
- (4) carrying out the programs authorized under this chapter, the Food for Peace Act (7 U.S.C. 1691 et seq.), and other Acts.

(Pub. L. 95-501, title V, § 503, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3686; amended Pub. L. 104-127, title II, § 250, Apr. 4, 1996, 110 Stat. 971; Pub. L. 110-246, title III, § 3001(b)(1)(A), (2)(K), June 18, 2008, 122 Stat. 1820.)

REFERENCES IN TEXT

The Food for Peace Act, referred to in par. (4), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§ 1691 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables.

AMENDMENTS

2008—Par. (4). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

1996—Pub. L. 104-127 substituted “Duties” for “Establishment” in section catchline and amended text generally. Prior to amendment, text read as follows: “The Service shall assist the Secretary in carrying out the agricultural trade policy of the United States by acquiring information pertaining to agricultural trade, carrying out market promotion and development activities, and implementing the programs authorized in this chapter, the Agricultural Trade Development and Assistance Act of 1954, and other Acts.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

STUDY ON FEE FOR SERVICES

Pub. L. 107-171, title III, § 3208, May 13, 2002, 116 Stat. 302, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture shall submit to the Committee on Agriculture, and the Committee on International Relations [now Committee on Foreign Affairs], of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a report on the feasibility of instituting a program under which the Secretary would charge and retain a fee to cover the costs incurred by the Department of Agriculture, acting through the Foreign Agricultural Service or any successor agency, in providing persons with commercial services provided outside the United States.

“(b) PURPOSE OF PROGRAM.—The purpose of a program described in subsection (a) would be to supplement and not replace any services currently offered overseas by the Foreign Agricultural Service.

“(c) MARKET DEVELOPMENT STRATEGY.—A program under subsection (b) would be part of an overall market development strategy for a particular country or region.

“(d) PILOT PROGRAM.—A program under subsection (a) would be established on a pilot basis to ensure that the program does not disadvantage small- and medium-sized companies, including companies that have never engaged in exporting.”

§ 5694. Staff of Foreign Agricultural Service

(a) Personnel of Service

To ensure that the agricultural export programs of the United States are carried out in an effective manner, the authorized number of personnel for the Service shall not be less than 900 staff years each fiscal year.

(b) Rank of Foreign Agricultural Service officers in foreign missions

Notwithstanding any other provision of law, the Secretary of State shall, on the request of the Secretary of Agriculture, accord the diplomatic title of Minister-Counselor to the senior Service officer assigned to any United States mission abroad. The number of Service officers holding such diplomatic title at any time may not exceed twelve.

(Pub. L. 95-501, title V, § 504, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3686.)

PRIOR PROVISIONS

Provisions similar to those in subsec. (b) of this section appear in the following appropriation acts:

Pub. L. 101-506, title IV, Nov. 5, 1990, 104 Stat. 1343.

Pub. L. 100-202, § 101(k) [title IV, § 401], Dec. 22, 1987, 101 Stat. 1329-322, 1329-350.

LANGUAGE PROFICIENCY AND EVALUATION OF FOREIGN AGRICULTURAL SERVICE OFFICERS

Pub. L. 101-624, title XV, § 1556, Nov. 28, 1990, 104 Stat. 3698, as amended by Pub. L. 104-127, title II, § 281(b), Apr. 4, 1996, 110 Stat. 980, provided that:

“(a) ASSESSMENT OF FOREIGN LANGUAGE COMPETENCE.—The Foreign Agricultural Service shall revise its evaluation reports for its Foreign Service officers so as to require in a separate entry an assessment of the officer's effectiveness in using, in his or her work, a foreign language or foreign languages tested at the General Professional Speaking Proficiency level or above, in cases where the supervisor is capable of making such an assessment.

“(b) PRECEDENCE IN PROMOTION.—The Director of Personnel of the Foreign Agricultural Service shall in-

struct promotion panels to take account of language ability and, all criteria for promotion otherwise being equal, to give precedence in promotions to officers who have achieved at least the General Professional Speaking Proficiency level in 1 or more foreign languages over officers who lack that level of proficiency.”

§ 5695. Authorization of appropriations

There are hereby authorized to be appropriated for the Service such sums as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 95-501, title V, § 505, formerly § 506, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3687; renumbered § 505, Pub. L. 102-237, title III, § 314, Dec. 13, 1991, 105 Stat. 1856.)

SUBCHAPTER VI—REPORTS

§ 5711. Repealed. Pub. L. 104-127, title II, § 241(c)(1), Apr. 4, 1996, 110 Stat. 964

Section, Pub. L. 95-501, title VI, § 601, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3687; amended Pub. L. 102-237, title III, § 315, Dec. 13, 1991, 105 Stat. 1856, required Secretary to periodically prepare long-term agricultural trade strategy reports.

§ 5712. Export reporting and contract sanctity

(a) Export sales reports

(1) In general

All exporters of wheat and wheat flour, feed grains, oil seeds, cotton, pork, beef, and products thereof, and other commodities that the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period:

- (A) type, class, and quantity of the commodity sought to be exported;
- (B) the marketing year of shipment; and
- (C) destination, if known.

(2) Confidentiality and compilation of reports

Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting.

(3) Immediate reporting

All exporters of agricultural commodities produced in the United States shall, upon request of the Secretary, immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as the Secretary may request. When the Secretary requires that such information be reported by exporters on a daily basis, the information compiled from individual reports shall be made available to the public daily.

(4) Monthly reporting permitted

The Secretary may, with respect to any commodity or type or class thereof during any period in which the Secretary determines that—

- (A) there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements,

(B) total supplies of such commodity in the exporting countries are estimated to be in surplus,

(C) anticipated exports will not result in excessive drain on domestic supplies, and

(D) to require the reports to be made will unduly hamper export sales,

provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

(b) Failure to report

Any person who knowingly fails to make any report required under this section shall be fined not more than \$25,000 or imprisoned for not more than 1 year, or both.

(c) Contract sanctity

Notwithstanding any other provision of law, the President shall not prohibit or curtail the export of any agricultural commodity under an export sales contract—

(1) that is entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity, and

(2) the terms of which require delivery of the commodity within 270 days after the date of the suspension of trade is imposed,

except that the President may prohibit or curtail the export of any agricultural commodity during a period for which the President has declared a national emergency or for which the Congress has declared war.

(Pub. L. 95-501, title VI, § 602, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3688; amended Pub. L. 102-237, title III, § 327, Dec. 13, 1991, 105 Stat. 1858; Pub. L. 106-78, title IX, § 921, Oct. 22, 1999, 113 Stat. 1206; Pub. L. 111-239, § 2(c), Sept. 27, 2010, 124 Stat. 2502.)

AMENDMENT OF SECTION

For termination of amendment by section 942 of Pub. L. 106-78, see Termination Date of 1999 Amendment note below.

PRIOR PROVISIONS

A prior section 602 of Pub. L. 95-501 enacted section 1765b-1 of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-239 substituted “cotton, pork,” for “cotton.”

1999—Subsec. (a)(1). Pub. L. 106-78, §§ 921, 942, temporarily inserted “, beef,” after “cotton” in introductory provisions. See Termination Date of 1999 Amendment note below.

1991—Subsec. (a)(1). Pub. L. 102-237, § 327(1), substituted “designate produced” for “designate as produced” in introductory provisions.

Subsec. (a)(2). Pub. L. 102-237, § 327(2), struck out “in accordance with subsection (c)” after “shall remain confidential”.

TERMINATION DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-78 to terminate Sept. 30, 2015, see section 942 of Pub. L. 106-78, as amended, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

§ 5713. Other reports to Congress

Subject to section 6917 of this title, the Secretary shall, on a quarterly basis, prepare and